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NEW YORK, NY 10281-2101			ART UNIT	PAPER NUMBER
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			05/16/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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	Application No.	Applicant(s)		
	10/649,966	HIROKI, SHIGERU		
Office Action Summary	Examiner	Art Unit		
	USMAN KHAN	2622		
The MAILING DATE of this communication appeariod for Reply	pears on the cover sheet with the c	orrespondence address		
A SHORTENED STATUTORY PERIOD FOR REPL WHICHEVER IS LONGER, FROM THE MAILING D - Extensions of time may be available under the provisions of 37 CFR 1.1 after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period - Failure to reply within the set or extended period for reply will, by statute Any reply received by the Office later than three months after the mailine earned patent term adjustment. See 37 CFR 1.704(b).	NATE OF THIS COMMUNICATION 136(a). In no event, however, may a reply be tin will apply and will expire SIX (6) MONTHS from e, cause the application to become ABANDONE	N. nely filed the mailing date of this communication. D (35 U.S.C. § 133).		
Status				
Responsive to communication(s) filed on <u>28 A</u> This action is FINAL . 2b) ☑ This Since this application is in condition for alloware closed in accordance with the practice under A	s action is non-final. ince except for formal matters, pro			
Disposition of Claims				
4) ☐ Claim(s) 1-10 and 12-14 is/are pending in the 4a) Of the above claim(s) is/are withdra 5) ☐ Claim(s) is/are allowed. 6) ☐ Claim(s) 1-10 and 12-14 is/are rejected. 7) ☐ Claim(s) is/are objected to. 8) ☐ Claim(s) are subject to restriction and/or Application Papers	wn from consideration.			
9) ☐ The specification is objected to by the Examine 10) ☑ The drawing(s) filed on 26 August 2003 is/are: Applicant may not request that any objection to the Replacement drawing sheet(s) including the correct 11) ☐ The oath or declaration is objected to by the Examine	a)⊠ accepted or b)☐ objected drawing(s) be held in abeyance. Seettion is required if the drawing(s) is objection	e 37 CFR 1.85(a). jected to. See 37 CFR 1.121(d).		
Priority under 35 U.S.C. § 119				
 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 				
Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date 2/08/2008.	4) Interview Summary Paper No(s)/Mail Da 5) Notice of Informal F 6) Other:	ate		



Application No.

A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on

04/28/2008 has been entered.

Response to Arguments

Applicant's arguments filed on 04/28/2008 regarding claims 1, 9, 10, and 12 - 14

have been fully considered but they are not persuasive.

Please refer to the following office action, which clearly sets forth the reasons for

non-persuasiveness.

In response to applicant's argument for claims 1, 9, 10, and 12 - 14:

Regarding **claims 1**, **9**, **10**, **and 12 – 14**, Applicant argues Enright does not teach that text-data describing the nature of the triggering event is additionally inserted into the subject of the email. Accordingly, Enright fails to disclose, teach or suggest "converting means [that]... inserts the text data into the subject of the electronic mail," as recited by Applicant's amended claim 1. For at least similar reasons, amended claims 9, 10, 12-14 are believed neither anticipated by nor rendered obvious in view of the cited reference.

However, the examiner argues that the newly added section in each of the independent claim claims the following (underlined sections being newly added claim 1 is copied and pasted below but all of the other independent claims include the newly added sections):

An image sensing apparatus comprising: setting means for setting a sensing condition for image sensing;

sense means for sensing an image in accordance with the sensing condition set by said setting means;

converting means for converting time information of the image sensed at said sense means into text data for specifying the sensing condition of the image sensed by said sense means; and

transmitting means for transmitting, by electronic mail, the sensing condition and the text data converted at said converting means as a part of electronic mail text message when the image was sensed by said sense means,

wherein the converted text data is separated from the image, and

wherein said converting means edits the image sensed by said sense means and the text data converted by said converting means into the electronic mail, and inserts the text data into the subject of the electronic mail.

It is clear from the above claim that "the subject" is claimed as being antecedent since "a subject" is not claimed hence a 112 rejection is provided below. Also, the examiner can broadly consider "the subject" as being anything from the following as seen in figures 67 – 68 and 72 the subject can be considered the actual image or the text box where the text is entered or the heading of "Capture Time:" or "Event Type:".

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Also, the image sensed and text data is edited when it is inserted into the E-mail as

shown in figures 67 – 68 and 72 since the image sensed and text data when inserted in

the E-mail is formatted for the E-mail.

Also, for the newly added underlined section: converting means for converting

time information of the image sensed at said sense means into text data for specifying

the sensing condition of the image sensed by said sense means. The examiner argues

that the time and sensing condition data is converted as shown in figures 67 – 68 and

72 and also discussed in column 36, lines 32 et seq.; figures 62 - 72; trigger/event type

and capture time; Also, the email will include time text data with the sensing condition

since in column 36 lines 39 – 41 Enright et al. mentions that the recipient of the email

receives useful information of the occurrence of the machine from figures 62 - 72

DETAILED ACTION

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 02/08/2008 has been

considered by the examiner. The submission is in compliance with the provisions of 37

CFR 1.97. All of the references are considered in the IDS except for the non patent

literature document which has a date of November 9, 2007 since this document does

not have an English translation.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly

claiming the subject matter which the applicant regards as his invention.

Claims 1, 9, 10, and 12 – 14 recite the limitations "the subject". This term "subject" is not discussed earlier in the independent claim. There is insufficient antecedent basis for this limitation in the claim. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 – 10, and 12 - 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Enright et al. (US patent No. 6,583,813).

Regarding **claim 1**, Enright et al. discloses an image sensing apparatus comprising: setting means for setting a sensing condition for image sensing (figure 22; set up sequences); sense means for sensing an image in accordance with the sensing condition set by said setting means (figures 62 - 72; trigger/event type); converting means for converting time information of the image sensed at said sense means into text data (column 36, lines 32 *et seq.*; figures 62 - 72; trigger/event type and capture time; Also, in column 36 lines 39 – 41 Enright et al. mentions that the recipient of the email receives useful information of the occurrence of the machine from figures 62 - 72) for specifying the sensing condition of the image sensed by said sense means (the time

and sensing condition data is converted as shown in figures 67 - 68 and 72 and also discussed in column 36, lines 32 *et seq.*; figures 62 - 72; trigger/event type and capture time; Also, the email will include time text data with the sensing condition since in column 36 lines 39 - 41 Enright et al. mentions that the recipient of the email receives useful information of the occurrence of the machine from figures 62 - 72); and transmitting means for transmitting, by electronic mail, the sensing condition and the text data converted at said converting means as a part of electronic mail text message when the image was sensed by said sense means (column 36, lines 32 *et seq.*; emails also include information about the nature of the triggering event and capture time; Also, in column 36 lines 39 - 41 Enright et al. mentions that the recipient of the email receives useful information of the occurrence of the machine from figures 62 - 72; also figure 19 including time and date data).

Wherein the converted text data is separated from the image (column 36, lines $32 \ et \ seq.$; figures 62-72, time data is separate from the image as seen; trigger/event type and capture time; Also, in column 36 lines 39-41 Enright et al. mentions that the recipient of the email receives useful information of the occurrence of the machine from figures 62-72, time data is separate from the image as seen), and

wherein said converting means edits the image sensed by said sense means and the text data converted by said converting means into the electronic mail, and inserts the text data into the subject of the electronic mail (as seen in figures 67 – 68 and 72 the subject can be considered the actual image or the text box where the text is entered or the heading of "Capture Time:" or "Event Type:". Also, the image sensed and text

data is edited when it is inserted into the E-mail as shown in figures 67 - 68 and 72 since the image sensed and text data when inserted in the E-mail is formatted for the E-

mail).

Regarding claim 2, Enright et al. discloses the apparatus according to claim 1,

wherein said transmitting means transmits electronic mail having information indicating

the sensing condition added to a message portion (figures 62 - 72; trigger/event type).

Regarding claim 3, Enright et al. discloses the apparatus according to claim 1,

wherein said transmitting means transmits electronic mail having information indicating

the sensing condition added to a subject portion (figures 62 - 72; trigger/event type).

Regarding claim 4, Enright et al. discloses the apparatus according to claim 1,

wherein said transmitting means transmits the sensing condition together with the

image sensed by said sense means (figures 61 - 72; trigger/event type).

Regarding claim 5, Enright et al. discloses the apparatus according to claim 1,

wherein the sensing condition set by said setting means includes any one of a specific

time (figure 72), a predetermined elapsed time (figure 56 and paragraph column 34

lines 19 et seq.), sensor detection by an external sensor (figures 62 - 72; trigger/event

type), detection of a sound level higher than a predetermined level (column 39 lines 16

et seq.; sound detection from microphone detecting stress levels of the sound), and

operation of a sensing button (column 40 lines 27 - 39;panic button).

Regarding claim 6, Enright et al. discloses the apparatus according to claim 1,

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wherein said transmitting means can transmit image stored in an external memory

(figure 10 and column 28 lines 51 et seq.; image from image server, this image also

including image data), and also transmits, when transmitting image stored in the

external memory, information indicating that the transmitted image is an image that has

been stored in the external memory (figure 10 and column 28 lines 51 et seq.; image

from image server, this image also including image data).

Regarding claim 7, Enright et al. discloses the apparatus according to claim 1,

wherein the time information includes a time at which the image was sensed by said

sense means (figures 62 - 72; trigger/event type and capture time; Also, in column 36

lines 39 - 41 Enright et al. mentions that the recipient of the email receives useful

information of the occurrence of the machine from figures 62 - 72).

Regarding claim 8, Enright et al. discloses the apparatus according to claim 1,

further comprising transfer means for transferring the image sensed by said sense

means to a server connected to a network (figure 10; image server, network), wherein

said transmitting means transmits link address information for specifying the image

transmitted to the server, together with the sensing condition (figures 62 - 72; image

name which can be used as a link for the image and the trigger/event type included in the transfer of the image).

Regarding claim 9, Enright et al. discloses an image sensing apparatus comprising: setting means for setting a sensing condition for image sensing (figure 22; set up sequences); sense means for sensing an image in accordance with the sensing condition set by said setting means (figures 62 - 72; trigger/event type); converting means for converting time information of the image sensed at said sense means into text data (column 36, lines 32 et seq.; figures 62 - 72; trigger/event type and capture time; Also, in column 36 lines 39 - 41 Enright et al. mentions that the recipient of the email receives useful information of the occurrence of the machine from figures 62 - 72) for specifying the sensing condition of the image sensed by said sense means (the time and sensing condition data is converted as shown in figures 67 - 68 and 72 and also discussed in column 36, lines 32 et seq.; figures 62 - 72; trigger/event type and capture time; Also, the email will include time text data with the sensing condition since in column 36 lines 39 – 41 Enright et al. mentions that the recipient of the email receives useful information of the occurrence of the machine from figures 62 - 72); and transmitting means for transmitting, by electronic mail, the sensing condition and the text data converted at said converting means as a part of electronic mail text message indicating a time at which the image was sensed by said sense means (column 36, lines 32 et seq.; emails includes information about the nature of the triggering event and capture time; Also, in column 36 lines 39 – 41 Enright et al. mentions that the recipient of the email receives useful information of the occurrence of the machine from figures 62 – 72; also figure 19 including time and date data).

Wherein the converted text data is separated from the image (column 36, lines 32 *et seq.*; figures 62 – 72, time data is separate from the image as seen; trigger/event type and capture time; Also, in column 36 lines 39 – 41 Enright et al. mentions that the recipient of the email receives useful information of the occurrence of the machine from figures 62 - 72, time data is separate from the image as seen),

and wherein said converting means edits the image sensed by said sense means and the text data converted by said converting means into the electronic mail, and inserts the text data into the subject of the electronic mail (as seen in figures 67 – 68 and 72 the subject can be considered the actual image or the text box where the text is entered or the heading of "Capture Time:" or "Event Type:". Also, the image sensed and text data is edited when it is inserted into the E-mail as shown in figures 67 – 68 and 72 since the image sensed and text data when inserted in the E-mail is formatted for the E-mail).

Regarding **claim 10**, Enright et al. discloses an image sensing apparatus comprising: setting means for setting a sensing condition for image sensing (figure 22; set up sequences); sense means for sensing an image in accordance with the sensing condition set by said setting means (figures 62 - 72; trigger/event type); converting means for converting time information of the image sensed at said sense means into text data (column 36, lines 32 *et seq.*; figures 62 - 72; trigger/event type and capture

time; Also, in column 36 lines 39 - 41 Enright et al. mentions that the recipient of the email receives useful information of the occurrence of the machine from figures 62 - 72) for specifying the sensing condition of the image sensed by said sense means (the time and sensing condition data is converted as shown in figures 67 - 68 and 72 and also discussed in column 36, lines 32 et seq.; figures 62 - 72; trigger/event type and capture time; Also, the email will include time text data with the sensing condition since in column 36 lines 39 – 41 Enright et al. mentions that the recipient of the email receives useful information of the occurrence of the machine from figures 62 - 72); and electronic mail creating means for creating to which the sensing condition under which the image was sensed by said sense means and the text data converted at said converting means as a part of electronic mail text message are added (column 36, lines 32 et seg.; emails also include information about the nature of the triggering event also as seen in figure 68 the capture time is included in the transfer; Also, in column 36 lines 39 – 41 Enright et al. mentions that the recipient of the email receives useful information of the occurrence of the machine from figures 62 - 72; also figure 19 including time and date data).

Wherein the converted text data is separated from the image (column 36, lines $32 \ et \ seq.$; figures 62-72, time data is separate from the image as seen; trigger/event type and capture time; Also, in column 36 lines 39-41 Enright et al. mentions that the recipient of the email receives useful information of the occurrence of the machine from figures 62-72, time data is separate from the image as seen), and

wherein said converting means edits the image sensed by said sense means and the text data converted by said converting means into the electronic mail, and inserts the text data into the subject of the electronic mail (as seen in figures 67 – 68 and 72 the subject can be considered the actual image or the text box where the text is entered or the heading of "Capture Time:" or "Event Type:". Also, the image sensed and text data is edited when it is inserted into the E-mail as shown in figures 67 – 68 and 72 since the image sensed and text data when inserted in the E-mail is formatted for the E-mail).

Regarding **claim 12**, Enright et al. discloses a control method for an image sensing apparatus comprising: a storing step of storing a sensing condition for image sensing (figure 61; filter conditions/alarms); a sensing step of sensing an image in accordance with the sensing condition stored in the storing step (figures 62 - 72; trigger/event type it is inherent that this trigger/event will be recognized in accordance to a predetermined input such as the sensing condition stored); converting step for converting time information of the image sensed at said sensing step into text data (column 36, lines 32 et seq.; figures 62 - 72; trigger/event type and capture time; Also, in column 36 lines 39 – 41 Enright et al. mentions that the recipient of the email receives useful information of the occurrence of the machine from figures 62 - 72) for specifying the sensing condition of the image sensed by said sense means (the time and sensing condition data is converted as shown in figures 67 – 68 and 72 and also discussed in column 36, lines 32 et seq.; figures 62 - 72; trigger/event type and capture time; Also,

the email will include time text data with the sensing condition since in column 36 lines 39-41 Enright et al. mentions that the recipient of the email receives useful information of the occurrence of the machine from figures 62-72); and a transmitting step of transmitting, by electronic mail, the sensing condition and the text data converted at said converting step as a part of electronic mail text message when the image was sensed was sensed in the sensing step (column 36, lines 32 et seq.; emails also include information about the nature of the triggering event; Also, in column 36 lines 39-41 Enright et al. mentions that the recipient of the email receives useful information of the occurrence of the machine from figures 62-72; also figure 19 including time and date data).

Wherein the converted text data is separated from the image (column 36, lines $32 \ et \ seq.$; figures 62-72, time data is separate from the image as seen; trigger/event type and capture time; Also, in column 36 lines 39-41 Enright et al. mentions that the recipient of the email receives useful information of the occurrence of the machine from figures 62-72, time data is separate from the image as seen), and

wherein said converting means edits the image sensed by said sense means and the text data converted by said converting means into the electronic mail, and inserts the text data into the subject of the electronic mail (as seen in figures 67 – 68 and 72 the subject can be considered the actual image or the text box where the text is entered or the heading of "Capture Time:" or "Event Type:". Also, the image sensed and text data is edited when it is inserted into the E-mail as shown in figures 67 – 68 and 72

since the image sensed and text data when inserted in the E-mail is formatted for the E-mail).

Regarding claim 13, Enright et al. discloses a control method for an image sensing apparatus comprising: a storing step of storing a sensing condition for image sensing (figure 61; filter conditions/alarms); a sensing step of sensing an image in accordance with the sensing condition stored in the storing step (figures 62 - 72; trigger/event type it is inherent that this trigger/event will be recognized in accordance to a predetermined input such as the sensing condition stored); converting step for converting time information of the image sensed at said sensing step into text data (column 36, lines 32 et seg.; figures 62 - 72; trigger/event type and capture time; Also, in column 36 lines 39 – 41 Enright et al. mentions that the recipient of the email receives useful information of the occurrence of the machine from figures 62 - 72) for specifying the sensing condition of the image sensed by said sense means (the time and sensing condition data is converted as shown in figures 67 - 68 and 72 and also discussed in column 36, lines 32 et seq.; figures 62 - 72; trigger/event type and capture time; Also, the email will include time text data with the sensing condition since in column 36 lines 39 – 41 Enright et al. mentions that the recipient of the email receives useful information of the occurrence of the machine from figures 62 - 72); and a transmitting step of transmitting, by electronic mail, the text data converted at said converting step as a part of electronic mail text message indicating a time at which the image was sensed in the sensing step (column 36, lines 32 et seq.; emails also include information about the

nature of the triggering event; Also, in column 36 lines 39 - 41 Enright et al. mentions that the recipient of the email receives useful information of the occurrence of the machine from figures 62 - 72; also figure 19 including time and date data).

Wherein the converted text data is separated from the image (column 36, lines $32 \ et \ seq.$; figures 62-72, time data is separate from the image as seen; trigger/event type and capture time; Also, in column 36 lines 39-41 Enright et al. mentions that the recipient of the email receives useful information of the occurrence of the machine from figures 62-72, time data is separate from the image as seen), and

wherein said converting means edits the image sensed by said sense means and the text data converted by said converting means into the electronic mail, and inserts the text data into the subject of the electronic mail (as seen in figures 67 – 68 and 72 the subject can be considered the actual image or the text box where the text is entered or the heading of "Capture Time:" or "Event Type:". Also, the image sensed and text data is edited when it is inserted into the E-mail as shown in figures 67 – 68 and 72 since the image sensed and text data when inserted in the E-mail is formatted for the E-mail).

Regarding **claim 14,** Enright et al. discloses a control method for an image sensing apparatus comprising: a storing step of storing a sensing condition for image sensing (figure 61; filter conditions/alarms); a sensing step of sensing an image in accordance with the sensing condition stored in the storing step (figures 62 - 72; trigger/event type it is inherent that this trigger/event will be recognized in accordance to

a predetermined input such as the sensing condition stored); converting step for converting time information of the image sensed at said sensing step into text data (column 36, lines 32 et seg.; figures 62 - 72; trigger/event type and capture time; Also, in column 36 lines 39 – 41 Enright et al. mentions that the recipient of the email receives useful information of the occurrence of the machine from figures 62 - 72) for specifying the sensing condition of the image sensed by said sense means (the time and sensing condition data is converted as shown in figures 67 - 68 and 72 and also discussed in column 36, lines 32 et seq.; figures 62 - 72; trigger/event type and capture time; Also, the email will include time text data with the sensing condition since in column 36 lines 39 – 41 Enright et al. mentions that the recipient of the email receives useful information of the occurrence of the machine from figures 62 - 72); and an electronic mail creating step of creating electronic mail to which the sensing condition when the image was sensed in the sensing step and the text data converted at said converting step as a part of electronic mail text message are added (column 34 lines 8 – 18; column 36, lines 32 et seq.; emails also include information about the nature of the triggering event also as seen in figure 68 the capture time is included in the transfer; Also, in column 36 lines 39 - 41 Enright et al. mentions that the recipient of the email receives useful information of the occurrence of the machine from figures 62 - 72; also figure 19 including time and date data).

Wherein the converted text data is separated from the image (column 36, lines $32 \ et \ seq.$; figures 62-72, time data is separate from the image as seen; trigger/event type and capture time; Also, in column $36 \ lines \ 39-41 \ Enright et al.$ mentions that the

recipient of the email receives useful information of the occurrence of the machine from

figures 62 - 72, time data is separate from the image as seen), and

wherein said converting means edits the image sensed by said sense means and

the text data converted by said converting means into the electronic mail, and inserts

the text data into the subject of the electronic mail (as seen in figures 67 – 68 and 72

the subject can be considered the actual image or the text box where the text is entered

or the heading of "Capture Time:" or "Event Type:". Also, the image sensed and text

data is edited when it is inserted into the E-mail as shown in figures 67 - 68 and 72

since the image sensed and text data when inserted in the E-mail is formatted for the E-

mail).

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Usman Khan whose telephone number is (571) 270-

1131. The examiner can normally be reached on Mon-Thru 6:45-4:15; Fri 6:45-3:15 or

Alt. Fri off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, David Ometz can be reached on (571) 272-7593. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Usman Khan/

/David L. Ometz/ Supervisory Patent Examiner, Art Unit 2622

Usman Khan 05/08/2008 Patent Examiner Art Unit 2622